

REMARKS

Claims 9-64 are pending. Claim 9-15, 17, 18, 20-25, 27, 28, 30, 31, 33 and 35 have been amended. Claims 9, 20, 37 and 45 are independent. Claims 37-60 were withdrawn for consideration. Claims 61-64 have been added. Favorable reconsideration is requested.

Initially, the complete lineage of this application was set forth in the Application Data Sheet filed with the original filing papers, as well as in the original continuation application cover sheet. It is therefore requested that the Examiner explicitly acknowledge the lineage of this application and the claims for benefit of the previous applications. Note that the original filing papers, in addition to listing the lineage in a Data Sheet, also amended the specification to state this lineage.

In the Office Action, claims 37-60 were withdrawn from consideration as allegedly being directed to an independent invention from the previously pending claims. However, no reason was given by the Examiner as to why claims 37-60, which differed only as to a few words from corresponding claims 9-36, are independent and distinct from those claims.

For example, the only difference between prior claim 9 and withdrawn claim 37 was changing “that his quote can be accepted . . .” to “that at least a portion of his quote can be accepted . . .” Had claim 9 been simply amended in this manner, i.e., to add the words “at least a portion of,” the Examiner would not have taken the position that such an amendment, which simply broadens the claim, was an attempt to switch inventions. For at least this reason, it is clear that claims 37-60, which simply added these three words to the independent claims, without other changes, should not have been restricted.

Moreover, in order to support a restriction the Examiner is required to *set forth in detail how* the restricted claims are either independent, or, if related, are patentably distinct, using the criteria set forth in Chapter 800 of the MPEP.

To support a restriction requirement, even as to newly presented claims, it is not enough to simply state, as the Office Action does, what the new claims recite, without providing any comparison to the previously presented claims or any discussion of the principles underlying restriction practice. A complete showing must be made in the Action to support a Restriction. To date, *this showing has not been made.*

The Examiner is requested to carefully review claims 37-60 in accordance with the standards for restriction set forth in Chapter 800 of the MPEP. As the restriction stands, it is completely improper and unsupported. Withdrawal of the restriction is respectfully requested for at least the reasons presented above. At the very least, a complete restriction, indicating class, sub-class etc., must accompany any further restriction, to allow Applicant an opportunity to study the reasons behind the restriction and formulate traversal arguments.

Upon withdrawal of the restriction, the Applicant requests that he be allowed to make the same amendments to the now-withdrawn claims (which cannot be amended while withdrawn) as have been made above to the claims currently under consideration, regardless of any finality of the next Office Action.

Claims 9-15, 17-25 and 27-36 were rejected under 35 U.S.C. § 102(e) over Togher et al. (U.S. Patent 5,375,055). Claims 16 and 26 were rejected under 35 U.S.C. § 103 over Togher et al. Applicant traverses. Applicant notes that the amendments to the claims in no way narrow the scope of the claims.

Independent claim 9 is directed to a process for displaying quotes on a trading screen used in an automated trading system on which a plurality of trading entities trade,

some, but not all, of the trading entities having bilateral credit with one another, those trading entities having bilateral credit with one another being trading counterparties. The process comprises: displaying a quote made by a first trading entity on at least one trading screen associated with the first trading entity; and providing an indication to the first trading entity that its quote can be accepted by a predetermined number which is more than one but less than all of the first trading entity's trading counterparties.

Independent claim 20 is directed to process for displaying quotes on a trading screen used in an automated trading system on which a plurality of trading entities, some, but not all, of the trading entities having bilateral credit with one another. Those trading entities having bilateral credit with one another are trading counterparties. The process includes: displaying a quote made by a first trading entity on the first trading entity's trading screen, and providing an indication to the first trading entity of the percentage of the first trading entity's trading counterparties that can accept its quote.

In the Office Action the position was taken that Togher teaches these features. As to the feature of claim 20 of displaying to the first trader the percentage of the first traders' trading counterparties that can accept the quote, the Office Action relied upon col. 12, lines 31-51 of Togher.

However, this portion of Togher does *not* relate in any way to the above-mentioned limitation of claim 20. This section of Togher refers to a selection of a warning percentage to broadcast to all traders on a specific floor that *a particular counterparty* has utilized a *specific percentage of its available credit* with the specific floor. This has no relation whatsoever to any percentage of counterparties. In fact, it clearly *relates only to a specific counterparty*, and only relates to a percentage of available credit having been used up by that *one* counterparty. The percentage referred to in the cited portion of Togher does not relate in any way to the

percentage recited in claim 20. For at least this reason, claim 20 is clearly patentable over Togher.

Claim 9 similarly provides an indication to the first trader that a predetermined number more than one, but less than all, of the “trading counterparties,” trading counterparties being defined as those parties with which bilateral credit exists, can accept the first trader’s quote. None of the cited portions of Togher teach or suggest the recited feature. For at least this reason, claim 9 is believed patentable over Togher.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

The above response is believed to place this application in condition for allowance and issuance of a Notice of Allowance in response is respectfully requested.

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Respectfully submitted,

By Joseph W. Ragusa
Joseph W. Ragusa

Registration No.: 38,586
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP
1177 Avenue of the Americas
41st Floor
New York, New York 10036-2714
(212) 835-1400